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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,586	03/01/2004	David G. Bermudes	872-A-US	9589

7590 01/04/2005

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EXAMINER

VOGEL, NANCY S

ART UNIT PAPER NUMBER

1636

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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Notice of Non-Compliant Amendment (37 CFR 1.121)

amendment document filed on 12-10-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the selected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:

- A. Amended paragraph(s) do not include markings.
- B. New paragraph(s) should not be underlined.
- C. Other _____

2. Abstract:

- A. Not presented on a separate sheet. 37 CFR 1.72.
- B. Other _____

3. Amendments to the drawings: _____

4. Amendments to the claims:

- A. A complete listing of all of the claims is not present.
- B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
- D. The claims of this amendment paper have not been presented in ascending numerical order.
- E. Other: Cancelled claims should not have text.

Further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at www.uspto.gov/web/offices/pac/dapp/opla/preonnotice/officeflyer.pdf.

A non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this notice to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

A non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and if the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

An amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant nature of the amendment.

Tricia Turner
Instruments Examiner (LIE)

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